

VILLAGE OF BARRINGTON

ZONING ORDINANCE

9.8 H: HISTORIC PRESERVATION OVERLAY DISTRICT, STRUCTURES OR SITES

A. Intent

1. An H Historic Preservation Overlay District is intended to protect and preserve areas of the Village and individual structures and sites within this area having historic, architectural or cultural significance. It is also intended to ensure that any new development/redevelopment and the subdivision of lots in an H Historic Preservation Overlay District is compatible with the character of this district. In addition, a district is intended to enhance the appeal of the Village's central historic neighborhoods as distinctive areas and to enhance property values within such districts.
2. The entire area now or hereafter designated the "H Historic Preservation Overlay District, Structures or Sites" on the Official Zoning Map which is incorporated into, and made an integral part of this Zoning Ordinance pursuant to Section 5.2 of this Zoning Ordinance, is hereby declared to be an official landmark area of the Village of Barrington pursuant to and for all purposes under Chapter 65 ILCS 5/11-48.2-1 et. seq. Preservation of Historical and Other Special Areas.

B. Criteria for Designation of an H Historic Preservation Overlay District

The Architectural Review Commission shall evaluate each parcel of property within any proposed H Historic Preservation Overlay Districts, designated structures or sites. In order to amend or establish an H Historic Preservation Overlay District, the majority of the individual parcels within a proposed district shall meet the standard of contributing structures or sites, based on the following criteria:

1. Significance in local, regional, state or national history, architecture, engineering or culture, associated with at least one (1) of the following:
 - a. They are associated with events of the lives of persons that have made a significant contribution to the broad patterns of our history; or
 - b. They embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - c. They exemplify elements of our culture, economic, social or historic heritage; or
 - d. They have yielded, or are likely to yield, information important in prehistory or history.
2. Physical integrity of the property in terms of architectural design, setting, materials, workmanship, character and association as defined by the National Park Service for the National Register of Historic Places.
3. The Age of the Structure or Site. Contributing structures or sites shall be at least fifty (50) years old, or if not at least fifty (50) years old, have achieved exceptional importance or significance within the past fifty (50) years.
4. Structures or sites, which do not meet these criteria, constitute non-contributing properties.
5. The Architectural Review Commission shall create a report of recommendation for each landmark district or landmark site, which shall be transmitted to the Plan Commission for their consideration pursuant to Chapter 3, Part II, Section 3.7 et. seq. of this Ordinance.

C. Establishing Boundaries or Locations of a Proposed H Historic Preservation Overlay District, Designated Structures, or Sites

When an area under consideration for designation as an H Historic Preservation Overlay District meets the criteria outlined in Subsection (B), above, the Plan Commission shall recommend to the Village Board boundaries for the district to ensure that they:

1. Contain documented historic or architectural resources.
2. Coincide with documented historic boundaries such as early roadways, canals, subdivision plats or property lines.
3. Coincide with logical physical or man-made features and reflect recognized neighborhood boundaries.
4. Contain non-contributing properties or vacant land only where necessary to create appropriate boundaries to meet the criteria of Subsection (B) of this Section.

D. Increasing or Reducing the Size of District by Amendment

Once established, an H Historic Preservation Overlay District boundary may be amended, provided that the historic, cultural and architectural integrity of the district remains intact. Criteria for amending the boundaries to add or eliminate properties from an H Historic Preservation Overlay District are as follows:

1. Properties may be eliminated from the District if the properties have ceased to meet the criteria for inclusion within an H Historic Preservation Overlay District because the qualities which caused them to be originally included have been lost or destroyed, or such qualities were lost subsequent to the creation of the district; or
2. Additional information indicates that properties do not comply with the criteria for an H Historic Preservation Overlay District as outlined in Subsection (B) above; or
3. Properties may be added to a district if additional information indicates that the inclusion of additional properties would better convey the historical and architectural integrity of an H Historic Preservation Overlay District, provided they meet the standards outlined in Subsection (B) above.

E. Certificate of Appropriateness Required

After the establishment of an H Historic Preservation Overlay District designated structures or sites, no alteration in the exterior appearance of a structure or property within an H Historic Preservation Overlay District designated structures or sites shall be made or permitted to be made unless a Certificate of Appropriateness has been issued pursuant to Subsection (F) below. Certificates of Appropriateness shall be required for:

1. Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings cornices and siding.
2. Relocation of a structure on the same site or to another site.
3. Construction of additions.
4. Exterior alteration or construction of accessory structures, such as garages, etc.
5. Exterior alterations to windows and doors, including replacement changes in fenestration patterns.
6. Construction or alteration of porches or decks.
7. Masonry work including, but not limited to, tuckpointing, sandblasting and chemical cleaning.
8. The construction or alterations of site features including, but not limited to, fencing, walls, and paving.
9. Installation or alteration of any exterior sign.
10. Any exterior demolition.
11. New exterior construction.
12. Installation of an awning or canopy.
13. The issuance of any exterior building permit or site development permit.

F. Procedure for Issuance of Certificate of Appropriateness

Certificates of Appropriateness can be issued by either the Zoning Official or the Architectural Review Commission, depending on the nature of the proposed alteration of the property, as outlined below.

1. Pre-Application Conference. Any applicant, or prospective applicant who requires a Certificate of Appropriateness is strongly encouraged to meet with the Zoning Official or designee. At the pre-application conference, staff representatives shall review with the applicant, those criteria established in by this Section of the Ordinance.
2. The Architectural Review Commission. The applicant shall be given general direction to assist said prospective applicant in the development of a plan that would be consistent with the requirements and purpose of this Ordinance and those criteria established by the Architectural Review Commission.
3. Issuance of Certificate of Appropriateness by Administrative Decision. Certificates of Appropriateness for the following types of architectural styles, construction or demolition may be approved administratively by the Zoning Official, or designee, subject to the following regulations.
 - a. Types of Construction allowed which may be approved by administrative decision.
 - 1) Minor alteration of, or addition to, a contributing or non-contributing structure or site.
 - 2) Demolition of a non-contributing principal and accessory structure.
 - b. The Zoning Official shall be obligated to issue a Certificate of Appropriateness for any proposed modification, provided that the modification is in substantial conformance with the architectural style of the structure or building to which the modification is to be made.
 - c. Submission of Application. An application for a Certificate of Appropriateness shall be made to the Zoning Official. The Zoning Official shall make a determination of completeness pursuant to Chapter 3, Part II, Section 3.7 et. seq. of this Ordinance, and shall forward the application for review and decision.
 - d. Materials Submitted with Application. The application shall include photographs, construction drawings, scaled elevations and other documentation, such as an architectural or massing model, window frame sections and samples, deemed necessary to consider the application properly and completely. Each applicant shall also provide a to-scale streetscape or model, which includes elevations for each abutting structure. Application for the Demolition of a Non-Contributing Structure. An application for demolition of a non-contributing structure shall require notice for determination of non-contributing sites.
 - e. Standards for Approval. The application shall be reviewed according to the standards set forth in Subsections (G) or (H), below, whichever is applicable.
 - f. Making Official Decision. On the basis of written findings of fact, the Zoning Official, or designee, shall either approve, conditionally approve, or deny the application for a Certificate of Appropriateness based on the applicable standards in Subsections G or H. Such decision shall be executed within thirty (30) days following receipt of a completed application. If the Zoning Official decides in favor of the application, a Certificate of Appropriateness shall be issued. If the Zoning Official decides to approve the application with modifications, a letter shall be sent to the applicant outlining the specific modifications required for approval. Such application shall then be resubmitted for approval. If the Zoning Official decides to deny the application, a letter of denial shall be issued.
 - g. Referral to Architectural Review Commission. The Zoning Official may refer any application to the Architectural Review Commission due to the complexity of the application, the significance of proposed change to a contributing structure, or the need for consultation for expertise regarding architectural, construction or preservation issues.
 - h. Appeal of Administrative Decision. An application denied by the Zoning Official may be appealed to the Architectural Review Commission within thirty (30) days following the administrative decision. Once an appeal of an administrative decision has been filed, the procedure shall be as outlined in Subsection (F4h), below.
4. Issuance of a Certificate of Appropriateness by the Architectural Review Commission. Certain types of architectural styles, construction, demolition and relocation shall only be allowed to be approved by the Architectural Review Commission subject to the following regulations:

- a. Types of Construction to be reviewed by the Architectural Review Commission.
 - 1) Substantial alteration or addition to a contributing site or structure.
 - 2) Substantial alteration of or an addition to a non-contributing structure or site.
 - 3) New construction of principal building.
 - 4) Relocation of contributing site or structure.
 - 5) Demolition of contributing site or structure.
 - 6) Applications for administrative approval referred by the Zoning Official.
 - 7) Appeal of administrative decisions by the applicant.
- b. Subject to the provisions of this chapter, the Architectural Review Commission shall be obligated to issue a Certificate of Appropriateness for any proposed alteration, provided that the alteration is in substantial conformance with the architectural style of the structure or building to which the alteration is to be made.
- c. Submission of Application. The procedure for an application for a Certificate of Appropriateness shall be the same as specified in Subsection (F) of this Section.
 - 1) Materials Submitted with Application. The application shall include photographs, construction drawings, scaled elevations, and other documentation, such as an architectural or massing model, window frame sections and samples, deemed necessary to consider the application properly and completely. Each applicant shall also provide a to-scale streetscape elevation drawing or model, both of which shall include elevations for each adjacent structure.
 - 2) Applications for a Certificate of Appropriateness for demolition shall also submit a reuse plan for the property.
 - 3) Public Hearing. Applications for a Certificate of Appropriateness from the Architectural Review Commission shall require a public hearing pursuant to the requirements of Chapter 3, Part II, Section 3.7 et. seq.
- d. Standards for Approval. The application shall be reviewed according to the standards set forth in Subsections (G), (H), (I), and (J) below.
- e. Preliminary Review by the Architectural Review Commission. Any applicant or prospective applicant who requires a Certificate of Appropriateness may file a written request for preliminary consideration by the Architectural Review Commission. The Architectural Review Commission shall provide suggestions and recommendations on a specific proposal prior to a formal application being filed.
- f. For projects which require consideration by the Plan Commission or the Zoning Board of Appeals, preliminary review by the Architectural Review Commission shall occur prior to the Plan Commission or Zoning Board of Appeals hearing and then formal consideration thereof by the Architectural Review Commission shall occur after the Plan Commission or Zoning Board of Appeals hearing on the proposal has been completed and prior to consideration by the Board of Trustees.
- g. Upon acceptance of a complete application for a Certificate of Appropriateness the Zoning Official shall immediately transmit said application to the Architectural Review Commission. The Architectural Review Commission shall consider the request and, upon review for compliance with the Historic Preservation Overlay District regulations, at a scheduled meeting, the Commission shall render a decision.
- h. Architectural Review Commission Decision. The Architectural Review Commission shall make a decision at a scheduled public hearing, within thirty (30) days following the scheduled public hearing date, including a review and decision on an application for a Certificate of Appropriateness for demolition of a contributing structure declaring an economic hardship.
 - 1) After reviewing all materials submitted for the case, the recommendation of the Zoning Official and conducting a field inspection, if necessary, the Architectural Review Commission shall make written finding of fact based on the applicable standards of approval below.

- 2) On the basis of its written findings of fact the Architectural Review Commission shall approve, deny or conditionally approve the Certificate of Appropriateness. A decision on an application for a Certificate of Appropriateness for demolition of a contributing structure may be deferred for up to one (1) year pursuant to Subsections (L) of this Section.
 - 3) If the Architectural Review Commission decides in favor of the application, it shall instruct the Zoning Official to issue a Certificate of Appropriateness. If the Architectural Review Commission decides to deny the application, it shall instruct the Zoning Official to issue a letter of denial. Demolition permits for contributing structures shall not be issued until the appeal period has expired.
 - 4) Written notice of the decision of the Architectural Review Commission on the application, including a copy of the findings of fact, shall be promptly sent by first-class mail to the applicant following the Architectural Review Commission's decision.
- i. Appeal of Architectural Review Commission Decision to the Village Board of Trustees. A decision by the Architectural Review Commission can be appealed to the Village Board of Trustees. An appeal shall be made in writing and filed with the Village Board of Trustees within thirty (30) days following the decision. The filing of the appeal shall stay the decision of the Architectural Review Commission pending the outcome of the appeal, except that the filing of the appeal shall not stay the decision of the Architectural Review Commission if such decision defers a demolition request for up to one (1) year pursuant to the provisions of Subsections (K) and (L) of this Section. The appeal shall be considered based on the following:
- 1) The appeal shall specify any alleged error made by the Architectural Review Commission.
 - 2) The Village Board of Trustees shall consider the appeal on the record made before the Architectural Review Commission. The Village Board of Trustees will hear no new evidence.
 - 3) The Village Board of Trustees shall review and decide the appeal according to the standards of this district that are applicable to the appeal.
 - 4) The Village Board of Trustees shall uphold the decision of the Architectural Review Commission unless the Village Board of Trustees determines that the decision of the Architectural Review Commission was not supported by the findings of fact based upon the applicable standards of approval.
- j. Appeal of Village Board of Trustees Decision to Circuit Court. Any party aggrieved by the decision of the Village Board of Trustees may appeal that decision to a court of competent jurisdiction within thirty (30) days following the decision of the Village Board of Trustees. The filing of an appeal of the Village Board of Trustees decision shall stay the decision of the Village Board of Trustees pending the outcome of the appeal, except that the filing of the appeal shall not stay the decision of the Village Board of Trustees if such decision defers a demolition request for up to one (1) year, pursuant to the provisions of Subsections (K) and (L) of this Section.

G. Standards for Certificate of Appropriateness for Alteration of a Contributing Structure

In considering an application for a Certificate of Appropriateness for alteration of a contributing structure, the Architectural Review Commission, or the Zoning Official, for administrative decision, shall find that the project substantially complies with all of the following eleven (11) standards that pertain to the application and that the decision is in the best interest of the Village:

1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed.

4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological materials, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
9. Additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
10. Building materials inappropriate to the style and period of the building, such as vinyl or aluminum cladding, shall be prohibited. All materials shall be subject to approval by the Architectural Review Commission.
11. Additional design standards adopted by the Architectural Review Commission and Village Board of Trustees.

H. Standards for Certificate of Appropriateness Involving New Construction, or Alteration, of a Non-Contributing Structure

Applications for a Certificate of Appropriateness involving new construction (Architectural Review Commission), or alterations of non-contributing structures (Zoning Official), shall be evaluated based on the following standards as determined by the Architectural Review Commission or Zoning Official.

1. Scale and Form.

- a. Height and Width. The proposed height and width shall be visually compatible with surrounding structures and streetscape.
- b. Proportion of Principal Facades. The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape.
- c. Roof Shape. The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape.
- d. Scale of a Structure. The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

2. Composition of Principal Facades.

- a. Proportion of Openings. The relationship of the width to the height of windows and doors of the structure shall be visually compatible with surrounding structures and streetscape.
- b. Relationship of Solids to Voids in Facades. The relationship of solids to voids in the facade of the structure shall be visually compatible with surrounding structures and streetscape.
- c. Relationship of Entrance Porch and Other Projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with surrounding structures and streetscape.
- d. Relationship of Materials. The relationship of the color and texture of materials including paint color of the facade shall be visually compatible with the predominant materials used in surrounding structures and streetscape. There shall be no permit or review required for the

application of paint, however the paint color shall conform to the style of architecture as indicated in Recommendations for Paint and Paint Colors, to be established by the Architectural Review Commission.

3. Relationship to Street.

- a. Walls of Continuity. Facades and site structures, such as walls, fences and landscape masses, shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related.
- b. Rhythm of Spacing and Structures on Streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related.
- c. Directional Expression of Principal Elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its orientation toward the street.
- d. Streetscape and Pedestrian Improvements. Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of an H Historic Preservation Overlay District.
- e. Subdivision of Lots. The Zoning Official shall review subdivision plats proposed for property within an H Historic Preservation Overlay District and may require changes to ensure the proposed subdivision will be compatible with the historic character of the district and/or site(s). All subdivisions shall meet the requirements of the Village of Barrington Subdivision Regulations

I. Standards for Certificate of Appropriateness of Relocation of a Contributing Structure

In considering an application for a Certificate of Appropriateness for relocation of a contributing structure, the Architectural Review Commission shall find that the project substantially complies with the following standards:

1. The proposed relocation will abate demolition of the structure.
2. The proposed relocation will not diminish the overall physical integrity of the district or diminish the historical associations used to define the boundaries of the district.
3. The proposed relocation will not diminish the historical or architectural significance of the structure.
4. The proposed relocation will not have a detrimental effect of the structural soundness of the building or structure.
5. A professional building mover will move the building and protect it while being stored.
6. A financial guarantee to ensure the rehabilitation of the structure once the relocation has occurred is provided to the Village. The financial guarantee shall be in a form approved by the Village Attorney, in an amount determined by the Zoning Official sufficient to cover the estimated cost to rehabilitate the structure as approved by the Architectural Review Commission and restore the grade and landscape the property from which the structure was removed in the event the land is to be left vacant once the relocation of the structure occurs.

J. Standards for Certificate of Appropriateness for Demolition of a Contributing Structure in an H Historic Preservation Overlay District

In considering an application for a Certificate of Appropriateness for demolition of a contributing structure, the Architectural Review Commission shall determine whether the project substantially complies with the standards recommended by the Architectural Review Commission and approved by the Board of Trustees based on the following standards 1 through 7:

1. The physical integrity of the site as defined in Subsection (C) of this Section is no longer evident.
2. The streetscape within the context of an H Historic Preservation Overlay District would not be negatively affected.
3. The demolition would not adversely affect an H Historic Preservation Overlay District due to the surrounding non-contributing structures.
4. The base zoning of the site is incompatible with reuse of the structure.

5. The plans for reuse plans are consistent with the standards outlined in Subsection (G) and (H) of this Section.
6. The site has not suffered from willful neglect, as evidenced by the following:
 - a. Willful or negligent acts by the owner that deteriorates the structure.
 - b. Failure to perform normal maintenance and repairs.
 - c. Failure to diligently solicit and retain tenants.
 - d. If vacant, failure to secure and board the structure.
7. The denial of a Certificate of Appropriateness for demolition would cause an economic hardship as defined and determined pursuant to the provisions of Subsection (Q) of this Section.

K. Determination of Compliance with Standards of Approval

The Architectural Review Commission shall make a decision based upon compliance with the requisite number of standards in Subsection (J), as set forth above.

1. Approval of Certificate of Appropriateness for Demolition. Upon making findings that at least six (6) of the standards are met, the Architectural Review Commission shall approve the Certificate of Appropriateness for Demolition.
2. Denial of Certificate of Appropriateness for Demolition. Upon making findings that three (3) to five (5) of the standards are met, the Architectural Review Commission shall defer a decision for up to one (1) year during which the applicant shall conduct a bona fide effort to preserve the site pursuant to Subsection (L) of this Section.

L. Bona Fide Preservation Effort

Upon the decision of the Architectural Review Commission to defer the decision of a Certificate of Appropriateness for demolition for up to one (1) year, the applicant shall undertake bona fide efforts to preserve the structure. The one (1) year period shall begin only when the bona fide effort has commenced. A bona fide effort shall consist of all of the following actions:

1. Marketing the property for sale or lease.
2. Filing an application for alternative funding sources for preservation, such as federal or state preservation tax credits, redevelopment agency loans, etc.
3. Filing an application for alternative uses if available or feasible, such as conditional uses, special exceptions, etc.
4. Obtaining written statements from licensed building contractors or architects detailing the actual costs to rehabilitate the property.

M. Final Decision for Certificate of Appropriateness for Demolition Following One (1) Year Deferral

Upon the completion of the one (1) year period, and if the applicant provides evidence of a bona fide preservation effort, the Architectural Review Commission shall make a final decision for the Certificate of Appropriateness for Demolition pursuant to Subsection (F)(4). The Architectural Review Commission shall approve the Certificate of Appropriateness for Demolition with modifications or deny the Certificate of Appropriateness for Demolition for the reuse plans for reuse for new construction pursuant to Subsection (F)(4) of this Chapter.

N. Recordation Requirement for Approved Certificate of Appropriateness for Demolition

Upon approval of a Certificate of Appropriateness for Demolition of a contributing structure, the Architectural Review Commission shall require the applicant to provide archival quality photographs, plans or elevation drawings, as available, necessary to record the structure(s) being demolished.

O. Review of Post-Demolition Plan for New Construction or Landscape Plan and Security Requirements for Approved Certificate of Appropriateness for Demolition

Prior to approval of any Certificate of Appropriateness for Demolition, the Architectural Review Commission shall review the post-demolition plans to assure that the plans comply with the standards of Subsection (J) of this Section. If the post-demolition plan is to landscape the site, a security in the form required by any applicable law and if there is no such applicable law an irrevocable letter of credit shall be required to ensure the completion of the landscape plan approved by the Architectural Review Commission. The design standards and guidelines for the landscape plan are provided in Chapter 4, Part III.

1. The security shall be issued in a form approved by the Village Attorney. The bond shall be in an amount determined by the Zoning Official and shall be sufficient to cover the estimated cost, to restore the grade as required by Chapter 8, Article IV of the Village of Barrington Code and re-vegetate and landscape as per the approved plan.
2. The security shall require installation of landscaping within six (6) months, unless the owner has obtained a building permit and commenced construction of a building or structure on the site.

P. Exceptions of Certificate of Appropriateness for Demolition of Hazardous Structures

A hazardous structure shall be exempt from the provisions governing demolition if the Building Official determines, in writing, that the building currently is an imminent hazard to public safety. Hazardous structures demolished under this Section shall comply with Subsection (O) of this Section (Review of Post-Demolition Plan for New Construction and Bond Requirements for Approved Certificate of Appropriateness for Demolition). Prior to the issuance of a demolition permit, the Building Official shall notify the Zoning Official of the decision.

Q. Certificate of Economic Hardship

An Application for a Certificate of Economic Hardship. The determination of economic hardship shall require the applicant to provide evidence sufficient to demonstrate that the application of the standards and regulations of this Section deprives the applicant of all reasonable beneficial use or return on the subject property and that demolition of the structure is the only recourse.

1. Application. Any applicant, following a final decision of the Architectural Review Commission or the Village Board of Trustees, denying a certificate of appropriateness, may, within thirty (30) days of the denial, make application for a Certificate of Economic Hardship on a form prepared by, and submitted to, the Architectural Review Commission. Application forms shall be available from the Zoning Official and the Architectural Review Commission.
2. Standard to be Applied. The Architectural Review Commission shall only approve an application for a Certificate of Economic Hardship upon a determination that the denial of the Certificate of Appropriateness has resulted in the denial of all reasonable beneficial use or return from, the property.
3. Consideration of Evidence. In applying this standard, the Architectural Review Commission shall consider, among other things, any evidence presented concerning the following:
 - a. Any opinions from a licensed structural engineer or licensed architect with experience in renovation, restoration or rehabilitation as to the structural soundness of any structures or objects on the property and their suitability for continued use, renovation, restoration or rehabilitation.
 - b. Any estimates prepared by a licensed architect or licensed structural engineer of the cost of the proposed alteration, construction, demolition or relocation and an estimate of any additional cost that would be incurred to comply with the recommendations of the Architectural Review Commission for changes necessary for it to be approved.
 - c. Any estimates prepared by a realtor licensed by the state or an appraiser certified by the State of the market value of the property in its current condition, after completion of the proposed alteration, construction, demolition or relocation, after any expenditures necessary to comply with the recommendations of the Architectural Review Commission for changes necessary for it to approve a Certificate of Appropriateness, and in the case of a proposed demolition, after renovation of the existing property for continued use.
 - d. In the case of a proposed demolition, any estimates, prepared by licensed architects, real estate consultants and appraisers or other real estate professionals licensed or certified by the State and

- e. experienced in rehabilitation, as to the economic feasibility of restoration, renovation or rehabilitation of any existing structures or objects.
 - e. Any and all applicable zoning provisions and incentives.
4. Information to be supplied by Applicant. The applicant shall submit by affidavit the following information:
- a. The assessed values of the property, structure, site or object for the two (2) most recent assessments.
 - b. Real property taxes for the previous two (2) years.
 - c. The amount paid for the property, structure, site or object by the owner, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
 - d. The current balance of any mortgages or any other financing secured by the property, structure, site or object, and the annual debt service, if any, for the previous two (2) years.
 - e. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, structure, site or object.
 - f. All listings of the property, structure, site or object for sale or rent, price asked and offers received, if any, within the previous four (4) years.
 - g. All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use.
 - h. For income producing property or structures, itemized income and expense statements from the property or structures for the previous two (2) years.
 - i. Estimates, prepared by general contractors or licensed architects, of the cost of the proposed alteration, construction, demolition or relocation and an estimate of any additional cost that would be incurred to comply with the recommendations of the Architectural Review Commission for changes necessary for it to approve a Certificate of Appropriateness.
 - j. Form of ownership or operation of the property, structure, site or object whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.
 - k. Any other information, documentation or evidence as the Architectural Review Commission determines to be reasonably necessary to its application of the standard in Subsection (2) above.
 - l. Where applicable, the information, evidence or documentation requested by the Architectural Review Commission or provided by the applicant shall bear the imprint of the professional seal of the individual preparing such information, evidence or documentation.
5. Failure by Applicant to Submit Requested Information. In the event that any of the information required to be submitted by the applicant is not reasonably available, the applicant shall file with the affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.
6. Public Hearing. The Architectural Review Commission shall hold a public hearing on the application for certificate of economic hardship within thirty (30) days following receipt of the completed application form and all information required to be submitted therewith.
- a. Notice of the time and place of the public hearing shall also state the general nature of the question involved, and shall be published not less than fifteen (15) and not more than thirty (30) days prior to the public hearing in a newspaper of Village-wide circulation and ten (10) business days prior to the date of such hearing by the following methods:
 - 1) By mailing of notification to the applicant and the owner of record of the affected landmark or property, structure, site or object in a district.
 - 2) By mailing of notification to the owners of record of all property within two hundred fifty feet (250) of the affected landmark or property, structure, site or object in a district.
 - 3) By mailing of notification to every association of residents or owners who have registered an association name with the Architectural Review Commission for this purpose.

- b. The hearing shall be conducted in accordance with Chapter 3, Part II, Section 3.7 et. seq. of this Ordinance, the pertinent Section of the rules of the Architectural Review Commission.
 - c. No member of the Architectural Review Commission absent from the entire hearing shall be eligible to vote on any matter that is the subject of the hearing until such member is provided with copies, transcripts or tapes of all testimony and evidence presented and that the absent member must state for the record at the time of the vote that he/she missed the meeting and has received and reviewed the transcript thereof and evidence presented.
 - d. The Architectural Review Commission may continue a proceeding for such additional times as it reasonable takes an applicant, any other interested person or the Architectural Review Commission to comply with a request for additional information, documentation or evidence.
- 7. Architectural Review Commission Decision. Determination of Economic Hardship. At the next scheduled Architectural Review Commission meeting following receipt of all submitted and requested documentation, the Architectural Review Commission shall reconvene its public hearing to take final action on the application. The decision of the Architectural Review Commission shall be made within thirty (30) days following the close of the public hearing. The determination shall be accompanied by findings of fact and a report stating the reasons for the decision. The Architectural Review Commission shall determine whether the denial of the Certificate of Appropriateness has or has not resulted in the denial of all reasonable use of, and return from, the property.
 - a. Finding of Economic Hardship. If after reviewing all of the evidence, the Architectural Review Commission finds that the application of the applicable standards set forth in Subsection (G), (H), (I), or (J) of this Section results in economic hardship, then the Architectural Review Commission shall issue a Certificate of Economic Hardship and a Certificate of Appropriateness no later than thirty (30) days following the date of determination of Economic Hardship.
 - b. Denial of Economic Hardship. If the Architectural Review Commission finds that the application of the standards set forth in Subsection (G), (H), (I), or (J) of this Section does not result in economic hardship then the Certificate of Economic Hardship shall be denied.
 - c. A copy of the determination of the Architectural Review Commission together with the findings of fact shall be promptly mailed to the applicant and transmitted to the Village Board of Trustees following the determination of economic hardship.
 - d. If the determination of the Architectural Review Commission is that the denial of the Certificate of Appropriateness has resulted in the denial of all reasonable use of and return from the property, the Architectural Review Commission shall issue a Certificate of Economic Hardship no later than thirty (30) days following the date of the determination of economic hardship unless during that time the Village Board of Trustees approves an incentive plan pursuant to Subsections (8) and (9) below.
- 8. Purpose of Incentive Plan. The purpose of an incentive plan is to provide a mechanism to allow a reasonable use of and return from the property without the complete or partial alteration or demolition of a landmark or property or structure, site or object in a district. This incentive plan may include, but is not limited to, property tax relief, loans or grants from the Village or other public or private sources, acquisition by purchase or eminent domain, building and safety code modifications to reduce the cost of maintenance, restoration, rehabilitation or renovation, changes in applicable zoning regulations including a transfer of development rights, or relaxation of the provisions of this Chapter sufficient to allow reasonable use of, and return from, the property.
- 9. Village Board Consideration of Incentive Plan.
 - a. The Architectural Review Commission shall forward a report recommending an incentive plan to the Village Board of Trustees. Upon receipt of the report the Village Board of Trustees shall give prompt consideration to the incentive plan.
 - b. The Village Board of Trustees shall approve or disapprove the incentive plan allowing the reasonable use of and return from the property within ninety (90) days following determination by the Architectural Review Commission.
 - c. If the Village Board of Trustees does not approve an incentive plan within the time specified the report and recommendation of the Architectural Review Commission regarding the incentive plan shall be deemed to be denied.

- d. A copy of the ordinance enacted by the Village Board of Trustees together with the incentive plan, if any, shall be promptly mailed to the applicant and transmitted to the Architectural Review Commission following the enactment of the ordinance.
10. Issuance of Certificate of Economic Hardship.
- a. Upon receipt by the Architectural Review Commission of a copy of a resolution disapproving an incentive plan, or upon failure of the Village Board of Trustees to act to either approve or disapprove an incentive plan, the Architectural Review Commission shall issue a Certificate of Economic Hardship to the applicant within five (5) business days. The Certificate of Economic Hardship for demolition may be subject to conditions for subsequent construction including compliance with the standards included in Subsection (H), prior to concurrent issuance of a Certificate of Appropriateness. The Certificate of Economic Hardship shall be valid for a period of one hundred eighty (180) days from issuance by the Architectural Review Commission. Certificate of Economic Hardship shall not be transferable from the applicant to another subsequent owner of the same property.
 - b. The Zoning Official shall be notified of the decision to issue a Certificate of Economic Hardship within five (5) business days of issuance by the Architectural Review Commission.
 - c. A Certificate of Appropriateness shall be issued to the applicant simultaneously with the delivery of the Certificate of Economic Hardship, only if the plans for reuse and/or new construction substantially comply with the standards in Subsection (H), as determined by the Architectural Review Commission.
 - d. Notwithstanding approval of a Certificate of Economic Hardship, no permit for demolition of a landmark or a property or structure or object in a district shall be issued except simultaneous to the issuance of a building permit for the replacement property or structure or object.
11. Appeals of Architectural Review Commission Denial of Certificate of Economic Hardship to Village Board.
- a. Any applicant or other interested party, following a denial of a certificate of economic hardship by the Architectural Review Commission, may, within thirty (30) days of the denial, apply for appeal to the Village Board of Trustees.
 - b. An application for appeal shall be submitted to the Architectural Review Commission on a form prepared by the Architectural Review Commission. Within five (5) business days of submission of an application for appeal by the applicant to the Architectural Review Commission, the Architectural Review Commission shall transmit the application to the Village Board of Trustees.
 - c. If no motion to accept the application for appeal is made and adopted at the meeting of Village Board of Trustees immediately following receipt of the findings and decision of the Architectural Review Commission and the application for appeal, the decision of the Architectural Review Commission shall be final and may be appealed to the circuit court.
 - d. If a motion to accept the application for appeal is made and adopted at the meeting of Village Board of Trustees held immediately following receipt of the findings and decision of the Architectural Review Commission and the application for appeal, the Village Board of Trustees shall affirm, modify or reverse the decision of the Architectural Review Commission within forty-five (45) days of the date of approval of the motion to accept the appeal.
 - e. The Village Board of Trustees shall review the appeal solely on the basis of the record and application of the standard identified in Subsection (Q)(b).
 - f. Denial or grant by the Village Board of Trustees of a Certificate of Economic Hardship is considered a final decision and may be appealed to the circuit court.
12. Determination by the Architectural Review Commission. The determination by the Architectural Review Commission of whether the denial of the certificate of appropriateness has or has not resulted in the denial of all reasonable use of, and return from, the property shall be made within thirty (30) days following the close of the public hearing and submission of all information, documentation, or evidence requested by the Architectural Review Commission. The termination shall be accompanied by findings of fact and a report stating the reasons for the decision.

13. Disapproval by Architectural Review Commission. If the determination of the Architectural Review Commission is to disapprove the application for a Certificate of Economic Hardship, the applicant shall be notified within five (5) business days. The notice shall include a copy of the findings of fact.

